

Amendments to the Drawings:

The attached sheets of drawings (attached as Appendix) replace the original sheets 1 – 4. These replacement sheets include changes to figures 1 – 4 as requested by the Examiner to include the camera device recited in claims 5 and 8. No new matter has been entered. Additionally, in replacement sheet 3, the reference character “40” has been replaced with the reference character “30” for the wireless communication network.

REMARKS

The present amendment is in response to the Office action dated October 28, 2005, where the Examiner has rejected claims 1 – 16. In the present amendment, claims 1 – 5, 13, 14, and 16 have been cancelled without prejudice. Claim 15 has been amended, and new claims 17 – 30 have been added. Accordingly, claims 6 – 12, 15, and 17 – 30 are pending in the present application with claims 6 and 15 being the independent claims. Reconsideration and allowance of pending claims 6 – 12, 15, and 17 – 30 in view of the amendments and the following remarks are respectfully requested.

Rejection of the Claims under 35 USC §112

Claim 16 was rejected under section 112 as being indefinite for lacking the necessary structural and/or functional relationship between certain elements. Claim 16 has been cancelled, rendering the rejection moot.

Rejection of the Claims under 35 USC §103(a)

In the Office Action, claims 6 – 12 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,686,838 (“Rezvani”). In particular, independent method claim 6 was rejected as reciting a method for practicing the system of claim 1. Figure 13 of Rezvani is generally cited as support for this rejection. Additionally, independent device claim 15 was rejected as being taught by the system 10 shown in Rezvani Figure 1. The Examiner asserts that Rezvani teaches the claimed device and method for providing remote control and operation of a wireless communication device and that the claim elements expressly missing from Rezvani would have been obvious to one of ordinary skill in the art. The rejection is respectfully traversed.

An invention is unpatentable if the differences between it and the prior art would have been obvious at the time of the invention. As stated in MPEP § 2143, there are three requirements to establish a *prima facie* case of obviousness.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

A. Suggestion or Motivation to Modify Rezvani

In the Office Action, no motivation has been identified for modifying the teaching of Rezvani to arrive at the claimed invention. The subject matter of the claimed invention is related to remote control of a wireless communication device and executing from a remote control access point remote control programs on the wireless communication device being controlled. The remote control programs are located in a data storage area on the wireless communication device being controlled.

Rezvani, in contrast, teaches an opposite system where the storage device is located in the remote control access point (Fig. 1, element 14; Fig. 2 REMOTE SITE). Although the terminology of Rezvani may be confusing because it calls the remote control access point a REMOTE SITE, it is clear that the device being controlled, for example in Fig. 2, is the DEVICE 32 that may be a camera, contact sensor, light switch, etc. The Examiner has not identified any teaching within Rezvani that would motivate one skilled in the art to turn the system of Rezvani on its head so that the DEVICE 32 could control the REMOTE SITE where the data storage area (DATABASE 48) is located.

Furthermore, in Fig. 1 of Rezvani, the devices being controlled are the DEVICES 32. Rezvani states that the monitoring modules 28 may serve as an interface between the remote site 14 and at least one connected DEVICE 32. (Col. 6, Lines 38 – 39). Rezvani further states that at least one DEVICE 32 may be interfaced with and

controlled by each monitoring module 28. Thus, Rezvani plainly states that the device being controlled is the DEVICE 32. In the claimed invention, the device being controlled is a wireless communication device.

Accordingly, for Rezvani to teach the wireless communication device in claim 15, the DEVICE 32 must include all of the claimed elements of the wireless communication device. The DEVICE 32 taught by Rezvani, however, does not include these elements. Specifically, Rezvani does not teach that the DEVICE 32 includes a data storage area configured to store authentication information and housing a plurality of executable remote control programs. Rezvani does not teach that the DEVICE 32 includes a microprocessor communicatively coupled with the data storage area and configured to execute the plurality of executable remote control programs.

Notably, Rezvani teaches that its remote control access point (the REMOTE USER ACCESS DEVICE 17 in Fig. 1) may be a personal computer, PDA, web phone, etc. What Rezvani fails to teach or suggest is that it be modified in such a way that the REMOTE USER ACCESS DEVICE become the device under control. Thus, the 103(a) rejection based upon Rezvani fails to meet its burden to establish a *prima facie* case of obviousness.

B. Reasonable Expectation of Success

Although Rezvani does not teach such a radical modification of its system to arrive at the claimed invention, the Examiner has not demonstrated that such a radical modification of Rezvani points to the reasonable expectation of success in the present invention, which is the second requirement of the obviousness analysis. Accordingly, the 103(a) rejection based upon Rezvani again fails to meet its burden to establish a *prima facie* case of obviousness.

C. The Reference Must Teach All Claim Limitations

With respect to the third prong of an obviousness analysis, the Rezvani reference does not yield all the limitations of the claimed invention. Rezvani discloses a registration system and method that employs a central server (REMOTE SITE) that

communicates with a field deployed monitoring module that gathers information and provides that information to the central server for storage in a database. (see Abstract).

The failings of Rezvani to teach the various element of independent device claim 15 is set forth above. Rezvani additionally fails to teach each and every step of independent method claim 6. Initially, Rezvani does not describe receiving at the device under control a data call request from the remote control access point. Rezvani also does not describe establishing a data call between the device under control and the remote control access point. In contrast Rezvani employs the intermediary monitoring module between the device under control and the remote control access point. Thus, Rezvani's does not teach that a data call is established between the device under control and the remote control access point.

Rezvani also does not teach that the device under control receives authentication information from the remote control access point and does not teach that the device under control validates that authentication information. The Office Action states that it would have been obvious for one skilled in the art to include an authentication program because Rezvani teaches verifying passwords and performing security measures. However, Rezvani does not assign this function to the device under control, it is carried out by the intermediary monitoring module. Moreover, the Office Action identifies no suggestion or motivation in Rezvani to modify its password verification and security measures so that they are performed by the device under control. Additionally, the Office Action fails to identify any passage in Rezvani that suggests a likelihood of success for assigning these authentication functions to the device under control.

Finally, Rezvani does not teach that the device under control provides the remote control access point with access to a plurality of remote control programs. To the contrary, Rezvani does not even contemplate that the device under control could execute such remote control programs. The types of devices under control identified by Rezvani do not include devices with the capability of to execute remote control programs. Specifically, Rezvani describes:

Devices 32 may encompass any suitable device capable of being controlled or mediated by an external controller. Such devices may include, but are not limited to, a camera 34, a radio 36, a smoke or fire

detector 38, a contact sensor 40, and a light switch 41. Although not illustrated, other suitable devices may include, for example, various audio input and output devices, various visual displays, washers/driers, microwave ovens, cooking ranges, car alarms, plant watering devices, sprinkler, thermostats, carbon monoxide sensors, humidistats, rain gauges, video cassette recorders, radio tuners, or any other suitable device and the like. (Column 7, Lines 13 – 24).

None of these devices described by Rezvani have the characteristics or qualities to provide the remote control access point with access to a plurality of remote control programs. The description in Rezvani does not even suggest that capability for its DEVICE 32. Importantly, Rezvani does describe a device with such characteristics as the REMOTE USER ACCESS DEVICE 17 (shown in Fig. 1) but fails to include this type of device when describing the characteristics and examples of possible devices under control in the above passage. Accordingly, Rezvani fails to expressly teach that the device under control provides the remote control access point with access to a plurality of remote control programs and also fails to suggest such a step.

In summary, the Office Action provides no motivation to modify the teachings of Rezvani to arrive at the claimed invention in either independent method claim 6 or independent device claim 15. Further, the Examiner has not demonstrated that such a radical modification of Rezvani as would be required has a reasonable expectation of success in arriving at the claimed invention, which is the second requirement of the obviousness analysis. Finally, Rezvani fails to teach each and every element of the invention in independent device claim 15 and fails to teach each and every step of the invention in independent method claim 6.


Accordingly, because Rezvani fails to establish a prima facie case of obviousness of independent claims 6 and 15, Applicant respectfully requests that the rejection be withdrawn and that a notice of allowance for all pending claims be issued.

Conclusion

For all the foregoing reasons, an early allowance of claims 6 – 12, 15, and 17 – 30 pending in the present application is respectfully requested.

Respectfully Submitted,

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